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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,884	11/18/2003	Shinichi Furuta	03700/LH	8695
1933 7590 01/09/2008 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER PATEL, MANGLESH M	
			ART UNIT 2178	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,884

Applicant(s)

FURUTA ET AL.

Examiner

Manglesh M. Patel

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This **FINAL** action is responsive to the RCE filed on 10/17/2007.
2. This is a first action final since no claim amendments were submitted only reconsideration of arguments filed with the RCE.
3. Claims 1-20 have been examined, with claims 1 and 12 being the independent claims.

Claims Rejection – 35 U.S.C. 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-20** remain rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji, Japanese Patent Application Heisei 11-051709, which was filed on February 26, 1999, and published on September 14, 2000 as Unexamined Laid-Open Kokai Patent 2000-253127A, [hereinafter "Tsuji"], in view of Padawer, et al. (U.S. Patent Application Publication 2002/0052196 A1, filed August 30, 2001, and claiming priority to Non-provisional application 60/237,287, filed October 2, 2000) [hereinafter "Padawer"].

Regarding independent claim 1, as amended, Tsuji in view of Padawer teaches:

A portable communication terminal comprising:

Display means for displaying information;

(See, Tsuji, claim 3, and figures 1 and 3-6, and paragraphs [0051]-[0054], teaching the display.)

image storage means for storing items of image data;

(See, Tsuji, paragraphs [0027] and [0054], teaching the "abbreviated-dialing table," which stores the image data.)

address book data storage means for storing items of contact address information and items of

additional information associated with the item of contact address information in association with each other;

(See, Tsuji, paragraph [0052], teaching that registration and address number information are stored in and searchable from the "abbreviated-dialing table.")

link storage means for storing storage addresses of the items of the contact address information stored in the address book data storage means and storage addresses of the items of image data stored in the image storage means in association with each other;

(See, Tsuji, paragraph [0052], teaching that registration and address number information are stored in and searchable from the "abbreviated-dialing table.")

communication log storage means for storing, as a communication log, data items regarding at least one of transmission and reception by the portable communication terminal, said data items comprising a plurality of items of contact address information;

(See, Tsuji, paragraph [0052], teaching that registration and address number information are stored in and searchable from the "abbreviated-dialing table." See also, Tsuji, paragraphs [018] and [0046], teaching the phone having memory to store and display call logs for incoming and outgoing calls.)

first instruction means for issuing an instruction to display the communication log on the display means;;

(See, Tsuji, paragraph [0052], teaching that registration and address number information are stored in and searchable from the "abbreviated-dialing table." The display is selected by the search function.)

first display control means for when the instruction is issued to display the communication log, causing the display means to display the plurality of items of contact address information stored in the communication log storage means, together with a date and time at which communication corresponding to each of the displayed items of contact address information was carried out, and a display region for issuing an instruction to display images with the displayed communication log;

(See, Tsuji, figure 5, and paragraph [0064], teaching the display of the image and a plurality of items of contact address information of the selected communication log.)

second instruction means for detecting an operation of a first key associated with the display region for issuing the instruction to display the images with the displayed communication log, during display of the communication log by the first display control means, and for issuing an instruction to display the displayed communication log on the display means together with the images;

(See, Tsuji, figure 5, and paragraph [0064], teaching the display of the image and a plurality of items of contact address information of the selected communication log.)

first determination means for referring to the link storage means to determine whether any of the items of image data is associated with each of the items of contact address information displayed on the display means, when the instruction is issued from the second instruction means to display the images together with the displayed communication log;

(See, Tsuji, figure 5, and paragraph [0064], teaching the display of the image and a plurality of items of contact address information of the selected communication log. The linked storage means is inherent in the invention in that the associated contact address information is displayed as a result of the search.)

second display control means for, when it is determined that at least one of the displayed items of contact address information is associated with one of the items of image data, reading out and resizing each item of image data that is determined to be associated with one of the displayed items of contact address information and causing the display means to display each said read-out and resized item of image data in association with the corresponding displayed item of contact address information together with the dates and times at which the communication was carried out in association with the displayed items of contact address information, and replacing the display region for issuing the instruction to display the images with the displayed communication log with a display region for issuing an instruction to display the communication log by the first display control means without the images;; and

(See, Tsuji, figures 4 and 5, teaching the resizing of the image data, and displaying the resized image.)

returning means for detecting an operation of the first key, which is associated with the display region for issuing the instruction to display the communication log by using the first display control means, during display of the images with the displayed communication log by the second display control means, and issuing an instruction to return to displaying the displayed communication log by using the first display control means without the images.

(See, Tsuji, paragraphs [0065]-[0067], teaching that any of the corresponding registration number, address name, or telephone number may be displayed associated with the image.

It is noted that read in its broadest reasonable interpretation claim 1 encompasses a cell phone with a display, the phone also having memory to store images and memory to store call logs for incoming and outgoing calls. Further, the phone can display the call log, incoming or outgoing, and, if any image is associated with the phone number in the log, the phone can display the image along with the phone number.

Tsuji teaches the invention of a re-sized image associated with contact information, but does not expressly

teach the function of turning of the image to display only the contact information. It is noted that turning off the image display removes the invention of the display of an image and is a mere return to the prior art of display of only the contact information. Tsuji teaches the display of the contact information with an accompanying image. See, Tsuji, figure 5, and paragraph [0054]. Tsuji also teaches the display of just the contact information without an image, when an image is not available. See, Tsuji, paragraph [0054].

Padawer teaches the prior art display of contact information only. See, Padawer, figures 2C through 2F.

It would have been obvious to one of ordinary skill in the art at the time of the invention to make it optional to the user to turn off the image display.

The suggestion or motivation to combine the teachings of Tsuji and Padawer is the obvious and beneficial purpose of avoiding showing images for privacy purposes or for allowing more space for the display of the contact information, such as in the case of a cell phone or small portable device with a small screen.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Tsuji to display and image along with contact information with the prior art teachings of Padawer to display only the contact information, as is specified in claim 1.)

Regarding **dependent claim 2**, Tsuji in view of Padawer teaches:

A terminal according to claim 1, further comprising means for determining whether or not information identical to any of the items of contact address information stored in the communication log storage means is present in the address book data storage means, and, if it is determined that at least one of the items of contact address information in the selected communication log is present in the address book data storage means the display is controlled to display the additional information associated with the at least one item of contact address information when displaying the selected communication log.

(See, Tsuji, paragraphs [0018] and [0027] teaching display of a name and phone number associated with an image. Further, Tsuji teaches a "determination means" to make the association to compare communication log data with address book data to retrieve the image, address, and name from a communication log and display that data.)

Regarding **dependent claim 3, as amended**, Tsuji in view of Padawer teaches:

A terminal according to claim 1, further comprising:

means for selecting one of the items of contact address information from the contact address information in the displayed communication log; and

means for causing the display to display information with respect to past communication corresponding to the selected item of contact address information.

(See, Tsuji, paragraphs [0063] and [0064], teaching to select contact information from the contract registration ("contract address information") and display the past communication name, phone number and image data. Further, see, Tsuji, paragraph [0027], teaching that selecting a call destination phone number will cause the display of the related information of the name, and image.)

Regarding **dependent claim 4**, Tsuji in view of Padawer teaches:

A terminal according to claim 2, further comprising:

means for selecting desired additional information from the additional information displayed on the display; and

means for causing the display to display the selected additional information and information with respect to past communication.

(See, Tsuji, paragraph [0027], teaching that selecting a call destination phone number will cause the display of the related information of the name, and image. Further, see that the selection may include additional information such as name, phone number, and image of a last party on the line ("past communication").)

Regarding **dependent claim 5**, Tsuji in view of Padawer teaches:

A terminal according to claim 4, wherein

the additional information includes a plurality of pieces of contact address information, and said plurality of pieces of contact address information and an icon indicating attributes thereof are displayed when the additional information is selected.

(See, Tsuji, paragraph [0027], teaching that selecting a call destination phone number will cause the display of the related information of the name, and image. Further, see, Tsuji, Figures 5 and 6, and paragraph [0045] teaching showing signal strength indicator icons. Additionally, see, Tsuji, figure 3, element 17, and paragraph [0047], teaching an "abbreviated dialing table" which appears on the display, as an icon, and which indicates the attribute of the entry of a name, or number, or icon in association with the additional information.)

Regarding dependent claim 6, Tsuji in view of Padawer teaches:

A terminal according to claim 3, further comprising:

means for determining whether or not a list display instruction issued after one of the items of contact address information is selected; and

means for, when the list display instruction is issued, causing the selected communication log to be displayed in a list one of (i) without the images, if the images were not displayed when the one of the items of contact address information was selected, and (ii) with the images, if the images were displayed when the one of the items of contact address information was selected.

(It is noted that the "list display instruction" is an item selected from the "abbreviated dialing table." Tsuji teaches an abbreviated dialing table that, when selected, will cause the "communication apparatus" to display one or more of ("contact address information) designated in Tsuji as an associated image, name, and phone number. See, Tsuji, paragraph [0017].)

Regarding dependent claim 7, Tsuji in view of Padawer teaches:

A terminal according to claim 4, further comprising:

means for determining whether or not an image data display instruction is issued after the desired additional information is selected; and

means for, when the image data display instruction is issued,

(i) reading out image data, from the image storage means, that corresponds to the item of contact address information corresponding to the selected additional information, based on a storage address of the image data linked to the item of contact address information by a link stored by the link storage means,

(ii) resizing the image data, and

(iii) displaying the resized image data on the display means in place of the selected additional information.

(The means for determining whether or not an image data display instruction is issued is that the display is generated on the display window, or not.

See, Tsuji, paragraph [0017], teaching the selection of an image data display as the selection of the response to the registration number data, name data and telephone number data. In addition, see, Tsuji, paragraph [0046], teaching that the associated data of an image, name, and phone number may be selected through the "abbreviated dialing number."

See also, Tsuji, figures 3-6, and paragraphs [0041], 0045], and [0053] teaching resizing the image data upon selection, from the abbreviated dialing table to the displayed image.)

Regarding dependent claim 8, as amended, Tsuji in view of Padawer teaches:

A terminal according to claim 1, communication logs comprise an outgoing call log and an incoming call log, and comprises:

means for instructing to display the outgoing call log;

means for instructing to display the incoming call log; and

means for switching between displaying the outgoing call log and the incoming call login

accordance with the respective instructions.

(Tsuji teaches an acquisition means to acquire the call destination telephone number ("outgoing call") and to associate the name, number, and image data. See, Tsuji, paragraph [0018] Tsuji also teaches registration of the number and associated data. See, Tsuji, paragraph [0020].

Tsuji also teaches receiving an incoming call, recognizing the number, and associating the name, number, and image data, and displaying that information. See, Tsuji, figure 6, and paragraphs [0054] and [0065]. In addition, Tsuji teaches registration of the incoming call number and associated data. See, Tsuji, paragraph [0057].

Tsuji teaches the registration of outgoing and incoming calls, and associates those calls with the name, phone number, and images, but Tsuji does not expressly teach incoming and outgoing call logs and a means for displaying or switching between those logs.

Padawer teaches that outgoing and incoming call logs on portable or cell phones were well known by one of ordinary skill in the art at the time of the invention. Specifically, Padawer teaches that, at the time of its filing, selectable incoming and outgoing call logs were available on cell phones and were admitted as prior art. See, Padawer, paragraph [0043].

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the prior art incoming/outgoing call logs with the incoming and outgoing call recognition functions of Tsuji to create separate incoming and outgoing call logs with name and image data.

The suggestion or motivation for creating the incoming and outgoing call logs is the prior art usage in cell phones and the obvious and beneficial purpose of quick and efficient access to phone numbers on cell phones along through a well known prior art interface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Tsuji and Padawer to result in the invention specified in claim 8.

Regarding dependent claim 9, as amended, Tsuji in view of Padawer teaches:

A terminal according to claim 1, further comprising means for always displaying a reception state of a radio signal on the display.

(See, Tsuji, figures 5 and 6, and paragraph [0045], teaching showing the reception state of the signal on the display as a standard antenna strength icon.)

Regarding dependent claim 10, as amended, Tsuji in view of Padawer teaches:

A terminal according to claim 7, wherein the resized and displayed image data, which is displayed in response to the image display instruction, comprises moving image data.

(See, Tsuji, figures 3-6, and paragraphs [0041], [0045], and [0053] teaching resizing the image data upon selection, from the abbreviated dialing table to the displayed image. See also, Tsuji, claims 2 and 11, figures 3-6, and paragraphs [0014] and [0061], teaching that the displayed image may be a still or a moving image.)

Regarding dependent claim 11, as amended, Tsuji in view of Padawer teaches:

*A terminal according to claim 1, further comprising:
image capturing means for capturing image data; and
storage control means for causing the image storage means to store image data captured by the image capturing means.*

(See, Tsuji, claim 7, and paragraph 19, teaching that the invention has a camera and a means for storing the captured images from the camera.)

Regarding claims 12-20, as amended:

Claims 12-20 incorporate substantially similar subject matter as claimed in claims 1-11, respectively, and are rejected along the same rationale.

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Response to Arguments

6. Applicants' arguments filed 10/17/2007 have been fully considered, but they are not persuasive.

Applicant Argues: ...the communication apparatus of Tsuji clearly would not display a display region for issuing an instruction to display the communication log with images or a display region for issuing an instruction to display the communication log without the images as recited in claim 1.. (pg 6, paragraph 1, lines 1-8)

The Examiner Respectfully disagrees: Simply observing figs 4-5 of Tsuji it can be seen that a image is being displayed in a display region with a communication log with the image of fig 5 redisplayed to a different size as that shown in fig 4. Tsuji goes on to describe registration information that includes the image data (paragraph 58). It is unclear how anything can be displayed without "issuing instructions" since the device must access the registration information to access any available image data for display.

Furthermore a skilled artisan would easily realize that without registration of the image data it would only communicate contact information thus issuing instructions for displaying just the registered contact information.

Finally it should be noted that applicants own specification discloses prior art that includes cell phones with image display functions for displaying portrait based on contact information (see pg 2, paragraph 3). Including cell phones with image sensing functions (that issue instructions) for display of images (see pg 2, paragraph 4).

It is not necessary that the references actually suggest, expressly or in so many words the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971); In re McLaughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968).

Conclusion

This is a RCE of applicant's earlier Application No. 10716884. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M, W 6 am-3 pm T, TH 6 am-2pm, Fr 9am-6pm.

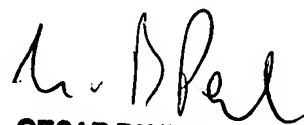
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Manglesh M. Patel
Patent Examiner
January 3, 2008



CESAR PAULA
PRIMARY EXAMINER